

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 93

# SENATE BILL 1194

AN ACT

AMENDING SECTION 41-3301, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA  
MILITARY AIRPORT PRESERVATION COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-3301, Arizona Revised Statutes, is amended to  
3 read:

4 41-3301. Arizona military airport preservation committee;  
5 membership; terms; duties; staff

6 A. The Arizona military airport preservation committee is established  
7 consisting of the following members:

8 1. The governor or the governor's designee.

9 2. The speaker of the house of representatives or the speaker's  
10 designee.

11 3. The president of the senate or the president's designee.

12 4. The minority leader of the house of representatives or the minority  
13 leader's designee.

14 5. The minority leader of the senate or the minority leader's  
15 designee.

16 6. The state land commissioner or the commissioner's designee.

17 7. The following members appointed jointly by the speaker of the house  
18 of representatives and the president of the senate:

19 (a) One member representing a county with a population of one million  
20 two hundred thousand or more persons. ~~according to the most recent United~~  
21 ~~States decennial census.~~

22 (b) ONE MEMBER REPRESENTING A COUNTY WITH A POPULATION OF LESS THAN  
23 ONE MILLION TWO HUNDRED THOUSAND PERSONS BUT MORE THAN FIVE HUNDRED THOUSAND  
24 PERSONS.

25 ~~(b)~~ (c) One member representing a county with a population of less  
26 than five hundred thousand persons. ~~according to the most recent United~~  
27 ~~States decennial census.~~

28 ~~(c)~~ (d) One member representing a city with territory in the vicinity  
29 of a military airport in a county with a population of one million two  
30 hundred thousand or more persons. ~~according to the most recent United States~~  
31 ~~decennial census.~~

32 (e) ONE MEMBER REPRESENTING A CITY WITH A TERRITORY IN THE VICINITY  
33 OF A MILITARY AIRPORT IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION  
34 TWO HUNDRED THOUSAND PERSONS BUT MORE THAN FIVE HUNDRED THOUSAND PERSONS.

35 ~~(d)~~ (f) One member representing a city with territory in the vicinity  
36 of a military airport in a county with a population of less than five hundred  
37 thousand persons. ~~according to the most recent United States decennial~~  
38 ~~census.~~

39 ~~(e)~~ (g) One member who owns property on which the day-night average  
40 sound level is sixty-five decibels or higher in the vicinity of a military  
41 airport in a county with a population of one million two hundred thousand or  
42 more persons. ~~according to the most recent United States decennial census.~~

43 ~~(f)~~ (h) One member who owns property on which the day-night average  
44 sound level is sixty-five decibels or higher in the vicinity of a military

1 airport in a county with a population of less than five hundred thousand  
2 persons. ~~according to the most recent United States decennial census.~~

3 ~~(g)~~ (i) One member who is a developer in this state.

4 ~~(h)~~ (j) One public member who is knowledgeable about and who has  
5 experience with military airports.

6 (k) ONE MEMBER WHO OWNS PROPERTY ON WHICH THE DAY-NIGHT AVERAGE SOUND  
7 LEVEL IS SIXTY-FIVE DECIBELS OR HIGHER IN THE VICINITY OF A MILITARY AIRPORT  
8 IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION TWO HUNDRED THOUSAND  
9 PERSONS BUT MORE THAN FIVE HUNDRED THOUSAND PERSONS.

10 (l) ONE MEMBER WHO IS A DEVELOPER IN THIS STATE AND WHO RESIDES IN A  
11 COUNTY WITH A POPULATION OF LESS THAN ONE MILLION TWO HUNDRED THOUSAND  
12 PERSONS BUT MORE THAN FIVE HUNDRED THOUSAND PERSONS.

13 8. One nonvoting advisory member who is appointed at the request of  
14 the governor by the administrator of the federal aviation administration and  
15 who is authorized to represent the federal aviation administration.

16 9. One nonvoting advisory member who is appointed at the request of  
17 the governor by the commanding officer of a military airport located in a  
18 county with a population of ~~five hundred thousand or more persons according~~  
19 ~~to the most recent United States decennial census~~ ONE MILLION TWO HUNDRED  
20 THOUSAND OR MORE PERSONS and who is authorized by the appointing military  
21 airport to represent the military airport.

22 10. ONE NONVOTING ADVISORY MEMBER WHO IS APPOINTED AT THE REQUEST OF  
23 THE GOVERNOR BY THE COMMANDING OFFICER OF A MILITARY AIRPORT LOCATED IN A  
24 COUNTY WITH A POPULATION OF LESS THAN ONE MILLION TWO HUNDRED THOUSAND  
25 PERSONS BUT MORE THAN FIVE HUNDRED THOUSAND PERSONS.

26 ~~10.~~ 11. One nonvoting advisory member who is appointed at the request  
27 of the governor by the commanding officer of a military airport located in  
28 a county with a population of less than five hundred thousand persons  
29 ~~according to the most recent United States decennial census~~ and who is  
30 authorized by the appointing military airport to represent the military  
31 airport.

32 B. The terms of the members appointed pursuant to subsection A,  
33 paragraphs 7 through 10 of this section are two years beginning on January  
34 1. The nonvoting advisory members shall not be included in any determination  
35 of the presence of a quorum.

36 C. Executive and legislative agencies shall provide services and  
37 resources as needed to support the work of the committee.

38 D. The committee, in conjunction with the state land department,  
39 shall:

40 1. Make recommendations to the legislature that will preserve the  
41 long-term viability of military airports and the private property rights of  
42 property owners in the vicinity of military airports.

43 2. Consider the purchase or exchange of land or development rights as  
44 a method of achieving the goals prescribed in paragraph 1 of this subsection.

1           3. In consultation with political subdivisions and the state  
2 department of commerce, encourage development that is compatible with  
3 military airports by recommending nonresidential uses and other economic  
4 development strategies for property on which the day-night average sound  
5 level is sixty-five decibels or higher in the vicinity of a military airport.

6           4. Study and promote a constitutional mechanism for exchanging state  
7 trust lands with private or public lands of equal or greater value to assist  
8 in preserving military airports in this state.

9           5. Create a data base of current ownership and date of purchase of  
10 property in the vicinity of a military airport on which the day-night average  
11 sound level is sixty-five decibels or higher.

12          6. Consider the accuracy of existing noise contours in relation to  
13 current flight missions.

14          7. Study new noise contours as they are issued and determine if they  
15 are built upon technology or assumptions that differ from those used to  
16 generate the noise contours specified in section 28-8482.

17          8. Facilitate the development and distribution of metes and bounds  
18 legal descriptions of noise contours to be utilized in the implementation of  
19 sections 28-8481 and 28-8482.

20          9. On or before December 15 of each year, report on the progress of  
21 the committee to the legislature. All reports issued to the legislature  
22 shall be available to the public. The report shall include information  
23 submitted to the committee pursuant to section 28-8481.

24          E. A political subdivision shall notify the committee of any  
25 residential development that is proposed on property that is within its  
26 boundaries, that is in the vicinity of a military airport and on which the  
27 day-night average sound level is sixty-five decibels or higher.

28          Sec. 2. Initial terms of additional members of the Arizona  
29               military airport preservation committee

30          Notwithstanding section 41-3301, subsection B, Arizona Revised  
31 Statutes, as amended by this act, the initial terms of new members added by  
32 section 41-3301, subsection A, paragraph 7, subdivisions (k) and (l), Arizona  
33 Revised Statutes, as amended by this act, end on January 1, 2005.

APPROVED BY THE GOVERNOR APRIL 23, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2003.

Passed the House April 7, 20 03,

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

Passed the Senate February 19, 20 03,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett  
President of the Senate

Charmine Bellinger  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

           day of           , 20           ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20           ,

at            o'clock            M.

            
Governor of Arizona

**S.B. 1194**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this            day of           , 20           ,

at            o'clock            M.

            
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate April 17, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett  
President of the Senate  
Chaima Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2003,

at 2:12 o'clock P. M.

Sandra Ramirez  
Secretary to the Governor

Approved this 23 day of

April, 2003,

at 2<sup>15</sup> o'clock P. M.

Janet Napolitano  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2003,

at 4:07 o'clock P. M.

Janice L. Brewer  
Secretary of State

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